

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 ELLA W. HORN,

12 Plaintiff, No. 2:20-cv-00212-JAM-CKD (PS)

13 v.

ORDER

14 EXPERIS US, INC., A MANPOWER
15 BRAND COMPANY,

16 Defendant.

17 Before the court is plaintiff's motion to waive the cost of court transcripts related to her
18 pending appeal. (ECF No. 34.) "Production of the transcript at government expense for an
19 appellant in forma pauperis in a civil case is proper under 28 U.S.C. § 753 if a trial judge certifies
20 that the appeal is not frivolous and presents a substantial question." McKinney v. Anderson, 924
21 F.2d 1500, 1511 (9th Cir.), overruled on other grounds by Helling v. McKinney, 502 U.S. 903
22 (1991). The relief under section 753 is permissive. Id. Here, this court never granted plaintiff in
23 forma pauperis status because plaintiff never submitted a proper application. In addition, this

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1 court is unable to certify that plaintiff's pending appeal is not frivolous and presents a substantial
2 question. Accordingly, plaintiff's request for court transcripts at the government's expense is
3 DENIED.

4 Dated: November 17, 2020

Carolyn K. Delaney

5 CAROLYN K. DELANEY
6 UNITED STATES MAGISTRATE JUDGE

7 17.212.appeal

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